

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Ron Stoker, on April 1, 2009 at 8:06
A.M., in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Ron Stoker, Chairman (R)
Rep. Deborah Kottel, Vice Chairman (D)
Rep. Ken Peterson, Vice Chairman (R)
Rep. Arlene Becker (D)
Rep. Gerald Bennett (R)
Rep. Anders Blewett (D)
Rep. Robyn Driscoll (D)
Rep. Bob Ebinger (D)
Rep. David Howard (R)
Rep. Krayton Kerns (R)
Rep. Margaret MacDonald (D)
Rep. Edith (Edie) McClafferty (D)
Rep. Mike Menahan (D)
Rep. Michael More (R)
Rep. Keith Regier (R)
Rep. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: Rep. Diane Sands (D)

Members Absent: None

Staff Present: Jennifer Eck, Committee Secretary
David Niss, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 402, 3/31/2009; SB 379,
3/31/2009

Executive Action: SB 92

HEARING ON SB 402

Opening Statement by Sponsor:

00:00:56 Sen. Jim Peterson (R), SD 15, opened the hearing on SB 402, Clarify property rights for which just compensation is due when taken.

00:13:52 Chairman Stoker

Proponents' Testimony:

00:14:28 John Bloomquist, Montana Stockgrowers Association

00:17:16 John Bennion, Montana Chamber of Commerce

00:17:39 Riley Johnson, National Federation of Independent Business

00:17:57 Chuck Denowh, Flathead Business and Industry Association; United Property Owners of Montana

Opponents' Testimony:

00:18:51 Chris Tweeten, Chief Civil Counsel, Attorney General's Office

00:31:33 George Golie, Montana Wildlife Federation

00:36:01 Rep. Sands joined the meeting.

00:36:50 Bob Lane, Chief Legal Counsel, Department of Fish, Wildlife and Parks (FWP)

EXHIBIT(juh72a01)

00:41:55 Candace West, Chief Legal Counsel, Department of Natural Resources and Conservation

00:44:26 Tim Reardon, Chief Legal Counsel, Department of Transportation

00:51:58 Roger Millar, Vice President, Montana Association of Planners

00:54:43 Tim Davis, Montana Smart Growth Coalition

00:56:55 Kelly Casillas, Legal Counsel, Montana Department of Commerce

01:00:11 Janet Ellis, Montana Audubon Society

01:01:06 Anne Hedges, Montana Environmental Information Center

Informational Testimony: None

Questions from Committee Members and Responses:

01:02:03 Chairman Stoker

01:02:10 Mr. Tweeten

01:02:14 Chairman Stoker

01:02:52 Mr. Tweeten

01:04:06 Chairman Stoker

01:04:20 Rep. Menahan
01:05:08 Mr. Tweeten
01:06:04 Rep. Menahan
01:06:34 Mr. Tweeten
01:07:36 Rep. Regier
01:08:04 Sen. Peterson
01:09:46 Rep. Kottel
01:10:22 Sen. Peterson
01:11:49 Rep. Peterson
01:12:00 Mr. Reardon
01:12:01 Rep. Peterson
01:12:41 Mr. Reardon
01:12:55 Rep. Peterson
01:13:14 Mr. Reardon
01:13:19 Rep. Peterson
01:13:37 Mr. Reardon
01:15:36 Rep. Peterson
01:15:54 Mr. Reardon
01:15:58 Rep. Peterson
01:16:28 Mr. Reardon
01:16:33 Rep. Peterson

Closing by Sponsor:

01:16:42 Sen. Peterson

01:23:51 Chairman Stoker

01:24:03 Recess
01:39:33 Reconvene

01:39:37 Chairman Stoker

HEARING ON SB 379

Opening Statement by Sponsor:

01:39:49 Sen. Gary Perry (R), SD 35, opened the hearing on
SB 379, Create offenses concerning illegal aliens.

01:45:33 Chairman Stoker

Proponents' Testimony:

01:45:40 Keith Allen, International Brotherhood of Electrical
Workers, Local 233
01:49:38 Riley Johnson, National Federation of Independent
Business

Opponents' Testimony:

01:51:52 Jaimee Greer, Montana Human Rights Network

EXHIBIT(juh72a02)

01:54:16 Deborah Smith, self

02:03:01 Jason Miller, Montana Based Locals of the United
Brotherhood of Carpenters; International Brotherhood of
Teamsters

02:09:49 Ted Dick, Service Employees International Union (SEIU)

02:11:45 Niki Zupanic, American Civil Liberties Union of Montana
(ACLU)

02:17:35 Jorge Quintana, self

Informational Testimony: None

Questions from Committee Members and Responses:

02:20:34 Rep. Kottel

02:21:13 Ms. Smith

02:21:32 Rep. Kottel

02:22:08 Ms. Smith

02:23:03 Rep. Kottel

02:23:46 Ms. Smith

02:23:56 Rep. Kottel

02:25:11 Ms. Smith

02:25:13 Rep. Kottel

02:25:37 Ms. Smith

02:25:47 Rep. Kottel

02:26:10 Ms. Smith

02:26:33 Rep. Kottel

02:27:18 Ms. Smith

02:28:18 Rep. Warburton

02:28:46 Ms. Smith

02:29:52 Rep. Warburton

02:29:57 Chairman Stoker

02:30:03 Rep. Warburton

02:30:18 Mr. Dick

02:30:20 Rep. Warburton

02:30:33 Mr. Dick

02:31:03 Rep. Warburton

02:31:14 Mr. Dick

02:31:31 Rep. Warburton

02:31:37 Rep. More

02:32:03 Mr. Miller

02:32:07 Rep. More

02:32:12 Mr. Miller

02:32:47 Rep. More

02:32:57 Mr. Miller

02:33:21 Rep. More

02:33:32 Mr. Miller
02:33:40 Rep. Menahan
02:33:49 Ms. Smith
02:33:51 Rep. Menahan
02:34:28 Ms. Smith
02:34:38 Rep. Menahan
02:34:49 Ms. Smith
02:36:00 Rep. Menahan
02:36:27 Ms. Smith
02:36:29 Rep. Menahan
02:37:24 Ms. Smith
02:39:35 Rep. Warburton
02:40:19 Mr. Allen
02:42:08 Rep. Warburton
02:42:18 Mr. Allen
02:43:20 Rep. MacDonald
02:43:50 Sen. Perry

Closing by Sponsor:

02:44:08 Sen. Perry
02:50:18 Chairman Stoker

EXECUTIVE ACTION ON SB 92

02:50:54 **Motion:** Rep. Peterson moved that **SB 92 BE CONCURRED IN.**

02:51:01 Chairman Stoker

02:51:14 **Substitute Motion:** Rep. Kottel made a substitute motion that **SB 92 BE TABLED.**

Discussion:

02:51:55 Chairman Stoker
02:52:05 Rep. Menahan
02:52:19 Chairman Stoker
02:52:27 Rep. Menahan
02:52:33 Rep. Blewett
02:52:41 Rep. Kottel
02:52:44 Rep. Blewett
02:53:00 Chairman Stoker
02:53:07 Rep. Blewett
02:53:19 Rep. Kottel
02:54:17 Rep. Peterson called the question.
02:54:23 Chairman Stoker

02:54:30 **Vote:** Motion carried 15-3 by voice vote with Rep.
Blewett, Rep. MacDonald, and Rep. Becker voting no.

02:54:42 Rep. Kottel

02:55:11 Chairman Stoker

ADJOURNMENT

02:57:21 Adjournment

Jennifer Eck, Secretary

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Additional Documents:

EXHIBIT ([juh72aad.pdf](#))